

# United States District Court

for the  
Eastern District of Missouri

United States of America  
v.

Andrew Evans

Case No: 4:04CR581

USM No: 31384-044

N. Scott Rosenblum

Defendant's Attorney

Date of Previous Judgment: 6/16/05

(Use Date of Last Amended Judgment if Applicable)

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the Term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: \_\_\_\_\_

Amended Offense Level: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain): \_\_\_\_\_

### III. ADDITIONAL COMMENTS

The defendant's sentence is determined by the quantity of heroin, not simply cocaine base. Moreover, the defendant received two sentence reductions, first pursuant to Section 5K1.1 of the Sentencing Guidelines and 18 USC Section 3553(e), and second, pursuant to Rule 35 of the Federal Rules of Civil Procedure.

Except as provided above, all provisions of the judgment dated 11/12/04 shall remain in effect.

IT IS SO ORDERED

Order Date: 08/26/2008

  
Judge's Signature

Effective Date: \_\_\_\_\_  
(if different from order date)

Jean C. Hamilton, US District Judge  
Printed Name and title